

S/N NEW FILING

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ALFERNES ET AL.	Examiner:	UNKNOWN
Serial No.:	NEW FILING	Group Art Unit:	UNKNOWN
Filed:	HEREWITH	Docket No.:	11998.21USC2
Title:	CARDIAC DISEASE TREATMENT AND DEVICE		

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CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV322887360US  
Date of Deposit: November 17, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Name: Teresa Anderson

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 10/279,176 filed on October 23, 2002.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

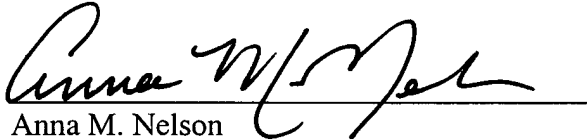
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: November 17, 2003

  
Anna M. Nelson  
Reg. No. 48,935  
AMN:PLSpmc



<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 11998.21USC2	Application Number: NEW FILING
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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	3,983,863	10/1976	Janke et al.				
	4,048,990	09/1977	Goetz				
	4,428,375	01/1984	Ellman				
	4,630,597	12/1986	Kantrowitz et al.				
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	4,821,723	04/1989	Baker, Jr. et al.				
	4,878,890	11/1989	Bilweis				
	4,936,857	06/1990	Kulik				
	4,957,477	09/1990	Lundback				
	4,973,300	11/1990	Wright				
	4,976,730	12/1990	Kwan-Gett				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	295 17 393 U 1	03/1996	DE			x	
	0 280 564 A2	08/1988	EP				
	60-203250 A2	10/1985	JP				x
	01-145066 A	06/1989	JP			Abstract	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
		"Supplement to Circulation", <i>Abstracts from the 68th Scientific Sessions</i> , Vol. 92, No. 8, 2 pages (October 15, 1995).					
		Capomolla, S. et al., "Dobutamine and nitroprusside infusion in patients with severe congestive heart failure: Hemodynamic improvement by discordant effects on mitral regurgitation, left atrial function, and ventricular function", <i>American Heart Journal</i> , pp. 1089-1098 (December 1997).					
		Capouya, E. et al., "Girdling Effect of Nonstimulated Cardiomyoplasty on Left Ventricular Function", <i>Ann. Thorac Surg.</i> , Vol. 56, pp. 867-871 (1993).					
		Cohn, J., "The Management of Chronic Heart Failure", <i>The New England Journal of Medicine</i> , Vol. 335, No. 7, pp. 490-498 (August 15, 1996).					

**34379**  
PATENT TRADEMARK OFFICE

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

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EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,057,117	10/1991	Atweh			
	5,087,243	02/1992	Avitall			
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	5,150,706	09/1992	Cox et al.			
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	5,192,314	03/1993	Daskalakis			
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	5,356,432	10/1994	Rutkow et al.			
	5,383,840	01/1995	Heilman et al.			
	5,385,156	01/1995	Olivia			

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	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 98/29041	07/1998	PCT				
	WO 98/58598	12/1998	PCT				
	WO 99/44534	09/1999	PCT				
	WO 00/02500	01/2000	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Coletta, C. et al., "Prognostic value of left ventricular volume response during dobutamine stress echocardiography", <i>European Heart Journal</i> , Vol. 18, pp. 1599-1605 (October 1977).
		Guasp, F., "Una Protesis contentiva para el tratamiento de la miocardiopatía dilatada", <i>Revista Espanola de Cardiologia</i> , Vol. 51, No. 7, pp. 521-528 (July 1998).
		Kass, D. et al., "Reverse Remodeling From Cardiomyoplasty in Human Heart Failure External Constraint Versus Active Assist", <i>Circulation</i> , Vol. 91, No. 9, pp. 2314-2318 (May 1, 1995).
		Levin, H. et al., Reversal of Chronic Ventricular Dilation in Patients With End-Stage Cardiomyopathy by Prolonged Mechanical Unloading", <i>Circulation</i> , Vol. 91, No. 11, pp. 2717-2720 (June 1, 1995).

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	5,429,584	07/1995	Chiu				
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	5,524,633	06/1996	Heaven et al.				
	5,603,337	02/1997	Jarvik				
	5,647,380	07/1997	Campbell et al.				
	5,702,343	12/1997	Alferness				
	5,713,954	02/1998	Rosenberg et al.				
	5,800,528	09/1998	Lederman et al.				
	5,961,440	10/1999	Schweich, Jr. et al.				
	5,990,378	11/1999	Ellis				
	6,045,497	04/2000	Schweich, Jr. et al.				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 00/06026	02/2000	PCT				
	WO 00/06027	02/2000	PCT				
	WO 00/06028	02/2000	PCT				
	WO 00/16700	03/2000	PCT				
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
		Oh, Jr. et al., "The Effects of Prosthetic Cardiac Binding and Adynamic Cardiomyoplasty In A Model Of Dilated Cardiomyopathy", <i>The Journal of Thoracic and Cardiovascular Surgery</i> , Vol. 116, No. 1, pp. 148-153 (July 1998).					
		Paling, D., "Warp Knitting Technology", <i>Columbine Press</i> , p. 111 (1965).					
		Vaynblat, M. et al., "Cardiac Binding in Experimental Heart Failure", <i>Ann. Thorac. Surg.</i> , Vol. 64, 11 pages, (1997).					

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	6,174,279	01/2001	Girard				
	6,482,146 B1	11/19/2002	Alferness et al.				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	1009457 A	04/1983	SU			Abstract	
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